

REMARKS

INFORMATION DISCLOSURE STATEMENT

The applicant filed an information disclosure statement (IDS) on 03/29/2007. However, a copy of form PTO-1449 initialed and signed by the examiner was not included with the current Office action. Accordingly, the applicants respectfully request that the examiner consider the information disclosure statement filed on 03/29/2007 and include a signed and initialed copy thereof in the next Office action.

REJECTION UNDER 35 USC § 101

The examiner rejected claims 15-18 under 35 USC § 101 for claiming non-statutory subject matter, arguing that the claims are directed to a recording medium storing nonfunctional descriptive material. The applicant respectfully disagrees.

The data structures recited in the claims do not define nonfunctional descriptive material. Nonfunctional descriptive material includes such items as music, literary works, and a compilation or mere arrangement of data (see MPEP 2106.01.II). "In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer ... and is thus statutory." MPEP 2106.01.I. Claims 15 and 16 recite a computer program embodied on a computer readable storage medium for use in a digital video recorder (DVR) for use with a monitor and a set top box (STB), and the claimed code segments define structural and functional relationships between the computer program and the DVR. Similarly, claims 17-18 and 20 recite a computer program embodied on a computer readable storage medium for use in a STB for use with a monitor and a DVR, and the claimed code segments define structural and functional relationships between the computer program and the STB. The claims therefore recite statutory subject matter under 35 USC § 101.

The examiner issued the same rejection in the office action mailed on July 10, 2006, and withdrew the rejection in the subsequent office action after considering the above remarks.

CONCLUSION

In view of the foregoing remarks, the applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: May 24, 2007

By: /Jason T. Evans/
Jason T. Evans, Esq.
Reg. No. 57,862

WESTERN DIGITAL TECHNOLOGIES, INC.
20511 Lake Forest Drive
Lake Forest, CA 92630
Tel.: (949) 672-7000
Fax: (949) 672-6604